

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CLAUDETTE MARSHALL-MCCLURE

Plaintiff,

v.

WALMART, INC., and WAL-MART REAL  
ESTATE BUSINESS TRUST, and WAL-  
MART STORES EAST L.P., and WAL-  
MART STORES EAST INC., and DLC  
MANAGEMENT CORP., and DLC  
MANAGEMENT GROUP INC., and  
GREGORY GERTH, and ABC  
CORPORATION(S) 1-10, and JOHN/JONE  
DOE(S) 1-13

Defendants.

CIVIL ACTION - LAW

NO. 2:23-cv-00477

JURY TRIAL DEMANDED

**RESPONSE OF DEFENDANTS, WALMART INC., WAL-MART REAL ESTATE  
BUSINESS TRUST, WAL-MART STORES EAST, LP, AND GREGORY GERTH TO  
PLAINTIFF'S FIRST MOTION TO AMEND COMPLAINT**

Walmart Inc., Wal-Mart Real Estate Business Trust, Wal-Mart Stores East L.P., Wal-Mart Stores East Inc., (hereinafter referred to collectively as "Walmart") and individual defendant Gregory Gerth (herein referred to as "Defendant Gerth") by and through undersigned counsel, hereby respond to Plaintiff's First Motion to Amend Complaint as follows:

Defendants do not oppose Plaintiff's Motion.

Upon information and belief, snow and ice treatment of the walkways and parking lots at the Levittown store were contracted to a national vendor named City Facilities Management

(“City”). Although Walmart was not involved in the subcontracting process, City has historically subcontracted ice and snow services to Shields Facilities Maintenance (“Shields”). Shields has historically subcontracted to either C&C All Around Maintenance or Syron Company.

**MCDONNELL & ASSOCIATES, P.C.**

Dated: February 28, 2023

By: /s/ J. Michael Kvetan  
Patrick J. McDonnell, Esquire  
Attorney I.D. No.: 62310  
Email: [pmcdonnell@mcda-law.com](mailto:pmcdonnell@mcda-law.com)  
J. Michael Kvetan, Esquire  
Attorney I.D. No. 80229  
Email: [mkvetan@mcda-law.com](mailto:mkvetan@mcda-law.com)  
860 1st Ave STE 5B  
King of Prussia, Pennsylvania 19406  
(T) 610.337.2087 (F) 610.337.2575  
*Attorneys for Wal-Mart Defendants*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CLAUDETTE MARSHALL-MCCLURE

Plaintiff,

v.

WALMART, INC., and WAL-MART REAL  
ESTATE BUSINESS TRUST, and WAL-  
MART STORES EAST L.P., and WAL-  
MART STORES EAST INC., and DLC  
MANAGEMENT CORP., and DLC  
MANAGEMENT GROUP INC., and  
GREGORY GERTH, and ABC  
CORPORATION(S) 1-10, and JOHN/JONE  
DOE(S) 1-13

Defendants

CIVIL ACTION - LAW

NO. 2:23-cv-00477

JURY TRIAL DEMANDED

**CERTIFICATE OF SERVICE**

I, J. Michael Kvetan, Esquire hereby certify that on the 28<sup>th</sup> day of February, Defendant's Response to Plaintiff's First Motion to Amend Complaint was filed with the Court and served via regular mail upon counsel of record:

Vincent F. Presto, Esquire  
MASTER WEINSTEIN MOYER, P.C.  
1515 Market Street, Suite 1200  
Philadelphia, Pennsylvania 19102  
*Counsel for Plaintiff*

Adrienne Chapman, Esquire  
Kevin B. Golden, Esquire  
CINCINNATI INSURANCE COMPANY  
5000 Ritter Road, Suite 203  
Mechanicsburg, PA 17055  
*Counsel for DLC Management Corp and  
DLC Management Group Inc.*

**MCDONNELL & ASSOCIATES, P.C.**

Dated: February 28, 2023

By: /s/ J. Michael Kvetan  
Patrick J. McDonnell, Esquire  
Attorney I.D. No.: 62310  
Email: [pmcdonnell@mcda-law.com](mailto:pmcdonnell@mcda-law.com)  
J. Michael Kvetan, Esquire  
Attorney I.D. No. 80229  
Email: [mkvetan@mcda-law.com](mailto:mkvetan@mcda-law.com)  
*Attorneys for Wal-Mart Defendants*

